12. In the Schedule appended to the Order,—

(1) for the word and figure "clause 2" in the brackets, the word and figure "clause 2 (a)" shall be substituted;

(2) the words "sodium acetate" shall be omitted; and

(3) for the words "resist salt" the words "resist salt L" shall be substituted.

E. V. GANAPATI IYER, *Civil Supplies Secy.*

No. R.L. 868—Legis. 29-45-1, dated Bangalore, the 9th April 1946.

Ordered that the accompanying Limitation (War Conditions) (Emergency) Act, 1946, which received the assent of His Highness the Maharaja, on the Twenty-third day of March 1946, be published as Act No. XIII of 1946, in the *Mysore Gazette*, for general information.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. XIII OF 1946.

The Limitation (War Conditions) (Emergency) Act, 1946.

(Received the assent of His Highness the Maharaja on the Twenty-third Day of March 1946.)

An Act to exclude periods spent in enemy territory in computing limitation.

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to provide that the period of limitation prescribed by law for suits shall not run in the period during which persons instituting suits have been detained in enemy territory by circumstances attributable to war;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Limitation (War Conditions) (Emergency) Act, 1946.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "enemy subject" means any individual who possesses the nationality of a State which, or at any time since the 3rd day of September, 1939, has been, at war with His Majesty the King-Emperor or who, having possessed such nationality at any time has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(*b*) "enemy territory" means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State which is, or at any time since the 3rd day of September, 1939, has been at war with His Majesty the King-Emperor, not being an area in the occupation of His Majesty the King-Emperor or of a

State allied with His Majesty the King-Emperor, and includes any area which the Government may, by notification in the official Gazette, declare either generally or in respect of any particular period to be enemy territory for the purposes of this Act.

Suspension of limitation for suits in certain circumstances.

3. If at any time before the expiration of the period of limitation prescribed for any suit by the Mysore Limitation Act, 1911 (IV of 1911), or by any other law for the time being in force, any person who could have instituted the suit has been detained in enemy territory by circumstances attributable to war, the said period of limitation, as regards the institution of the suit by such person, shall be deemed not to have run in the period during which it is shown to the satisfaction of the Court that such person was so detained, and shall, notwithstanding anything contained in the said Act or in any other law, in no case expire before the end of six months from the date, as determined by the Court, when such person ceased to be so detained or from the date of the commencement of this Act, whichever is later:

Provided that where two or more periods have occurred in which a person was so detained, those periods shall be treated for the purposes of this section as one continuous period beginning with the beginning of the first period and ending with the end of the last period:

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits of any description which may be instituted by enemy subjects.

N. MADHAVA RAU,
Dewan.

No. R. L. 86)—Legis. 30-45-1, dated Bangalore, the 9th April 1946.

Ordered that the accompanying Defence of India (Amendment) Act, 1946 which was promulgated by His Highness the Maharaja, on the Second Day of April 1946, be published as Act No. XIV of 1946, in the *Mysore Gazette*, for general information.

S. KANAKARATNARAJ,
Legal Remembrancer and Secretary to Government, Law Department.

ACT No. XIV OF 1946.

THE DEFENCE OF INDIA (AMENDMENT) ACT, 1946.

(Promulgated by His Highness the Maharaja on the Second Day of April 1946.)

An Act further to amend the Defence of India Act, 1939, as applied to Mysore.

WHEREAS it is expedient further to amend the Defence of India Act, 1939, as applied to Mysore (being Annexure to the Defence of India (Adaptation to Mysore) Act, 1939 (XXVI of 1939);

His Highness the Maharaja is pleased to promulgate and enact as follows:—

Short title and commencement.

1. (1) This Act may be called the Defence of India (Amendment) Act, 1946.

(2) It shall come into force at once.

Amendment of Section 2, Act XXXV of 1939.

2. In the Annexure to the Defence of India (Adaptation to Mysore) Act, 1939, being the Defence of India Act, 1939; of the Government of India (XXXV of 1939) as applied to Mysore, the following amendments shall be incorporated, namely:—

"In sub-section (3) Section 2, to clause (iii) the following shall be added, namely:—

"and for the adjudication of such forfeiture whether by a Court or by any other authority."

Amendment of Section 19, Act XXXV of 1939.

3. In sub-section (1) of Section 19,—

(*a*) after the word "Where" where it occurs for the first time, the words, figures and letter "under section 19A or" shall be inserted;

(*b*) to clause (*e*) the following proviso shall be added, namely:—

"Provided that where any property requisitioned under any rule made under this Act is subsequently acquired under Section 19A or any such rule, the arbitrator in any proceedings in connection with such acquisition shall, for the purposes of the provisions of the said Section 23, take into consideration the market value of the property at the date of its requisition as aforesaid and not at the date of its subsequent acquisition."

Insertion of new Sections 19A and 19B in Act XXXV of 1939.

After Section 19, the following sections shall be inserted, namely :—

19A. Power to Acquire Requisitioned Property.

(1) Without prejudice to any power to acquire property conferred by any rule made under this Act, any immovable property which has been requisitioned under any rule so made may, in the manner provided by any such rules for the acquisition of property, be acquired in the circumstances and by the Government hereinafter specified, namely :—

(*a*) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, by that Government if it decides that the value of, or the right to use, such works, shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or,

(*b*) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government, be excessive having regard to the value of the property at that time, by that Government, and at the beginning of the day on which notice of such acquisition is served or published under the aforesaid rules, the immovable property shall vest in the acquiring Government free from any mortgage, pledge, lien or similar encumbrance, and the period of the requisition thereof shall end.

(2) Any decision or determination of a Government under sub-section (1) shall be final, and shall not be called in question in any Court.

(3) For the purposes of this section, "Works" includes buildings, structures and improvements of the property, of every description.

19B. Release from Requisition.

(1) Where any property requisitioned under any rule made under this Act is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorised by it in this behalf may, after such enquiry, if any, as it or he may in any case

consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property, which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given."

N. MADHAVA RAU,
Dewan.

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